

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 FELIX VINCENT SITTHIVONG,

10 Petitioner,

11 v.

12 MIKE OBENLAND,

13 Respondent.  
14

Case No. C14-1876-RSL

ORDER GRANTING  
PETITIONER'S FIFTH  
MOTION FOR AN  
EXTENSION OF TIME

15 This matter comes before the Court on petitioner's fifth motion for an extension of time  
16 in which to file objections to the Report and Recommendation of the Honorable Michelle L.  
17 Peterson, United States Magistrate Judge (Dkt. # 58). Petitioner filed four previous requests for  
18 extensions of time in which to file objections to this Report and Recommendation, Dkts. # 44,  
19 # 46, # 49, # 53, and the Court granted petitioner additional time, Dkts. # 45, # 48, # 52, # 57.  
20 As a result of the Court's most recent extension of time, petitioner had approximately eleven  
21 months to file objections. Approximately four months have passed since petitioner's objections  
22 were due.

23 The government responds that the Court should deny petitioner's motion because  
24 petitioner has already received numerous extensions to file his objections and provides no  
25 compelling reason why he should obtain another extension. Dkt. # 60. Petitioner's motion,  
26 written on September 9, 2021, and filed on September 16, 2021, reflects that, at the time of his  
27 writing, (i) his law library access was restricted due to COVID-19 protocols, (ii) he lacked  
28 access to other prisoners with more legal knowledge than him, (iii) he contracted COVID-19

ORDER GRANTING PETITIONER'S FIFTH  
MOTION FOR AN EXTENSION OF TIME - 1

1 and was placed in isolation without access to legal documents for multiple weeks and then  
2 housed in the gym without access to legal documents before being returned to his unit where he  
3 could access legal documents, (iv) he lost access to relevant court documents when fellow  
4 prisoners who were holding them on his behalf were transferred, and it took time to coordinate  
5 with a loved one to obtain new copies, (v) he has been deprived of his property and legal  
6 documents since August 4, 2021 due to his facility transfer caused by recent prison closures,<sup>1</sup>  
7 and (vi) he expected a further transfer in the next phase of prison closures, and he indicated that  
8 this transfer may likewise restrict his access to legal paperwork. Dkt. # 58.

9       Given that petitioner's transition from one facility to another inhibited his ability to  
10 prepare objections, and this inability remained ongoing as of the date he prepared his motion,  
11 the Court will grant an additional 180-day extension for him to file objections. However, given  
12 the number of extensions petitioner has been granted, and the length of time petitioner has had  
13 to file objections, the Court notes that this is almost certainly the last such extension that the  
14 Court will grant petitioner.

15       For all of the foregoing reasons, the Court hereby GRANTS petitioner's motion (Dkt.  
16 # 58) by providing him an additional 180-day extension of time in which to file objections. The  
17 Clerk of Court is directed to renote the Report and Recommendation (Dkt. # 43) on the Court's  
18 calendar for May 6, 2022. Petitioner's objections, if any, are due on or before April 15, 2022.

19       DATED this 7<sup>th</sup> day of February, 2022.

20  
21 

22 Robert S. Lasnik  
23 United States District Judge  
24  
25  
26

---

27       <sup>1</sup> The Court notes that it granted petitioner's fourth motion for an extension of time in part  
28 because this transfer inhibited his ability to prepare objections.